HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 3340 OF 2004

Between:

Kodati Shankar Lingam

..... Petitioner

AND

Union of India,
Rep. by its Secretary,
Ministry of Home Affairs,
New Delhi & another

.....Respondents

:: O R D E R::

Counsel for the petitioner : Shri S. Srinivasa Reddy

Counsel for respondent No.1 : Shri A. Rajashekar Reddy, Assistant Solicitor General

Counsel for respondent No.2 : Assistant Government Pleader for Revenue

Dated: 24.10.2006

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to decide his case for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

In the affidavit filed by him, the petitioner has averred that he had submitted an application sometime in 1982 for grant of pension under the 1980 Scheme and, after due verification, the same was forwarded by the Government of Andhra Pradesh to the Government of India on 18.05.1993, but the latter has not decided his claim.

In the counter-affidavit filed on behalf of respondent No.1, it has been averred that the application made by the petitioner has not been received in the Ministry of Home Affairs (Freedom Fighters Division) and, therefore, no decision could be taken in the matter.

At the hearing, learned Assistant Government Pleader for Revenue made a statement that the petitioner's case has again been forwarded by the Government of Andhra Pradesh to the Government of India vide letter No.7776/FF.III/2004, dated 16.10.2006.

In view of the above, the writ petition is disposed of with the following directions:

1) Learned Assistant Government Pleader should

hand over a copy of letter dated 16.10.2006 together with its annexures to Shri A. Rajasekhar Reddy, Assistant Solicitor General, today itself.

2) Shri A. Rajashekar Reddy should forward copy of letter dated 16.10.2006 along with its annexures to the concerned authority of the Ministry of Home Affairs (Freedom Fighters Division).

3) The competent authority of the Ministry of Home Affairs (Freedom Fighters Division) shall, within eight weeks of the receipt of communication sent by the learned Assistant Solicitor General, consider and decide the petitioner's claim for grant of pension under the 1980 Scheme by passing a speaking order. The decision taken on the representation of the petitioner shall be communicated to him at the end of eight weeks' period.

4) If the petitioner is found eligible and entitled to receive pension under the 1980 Scheme, then appropriate direction be given for release of pension in his favour along with arrears, if any, admissible as per the policy.

As a sequel to disposal of the writ petition, W.P.M.P.No. 4402 of 2004 filed by the petitioner for expediting hearing of the writ petition is disposed of as infructuous.

G.S.SINGHVI, CJ

24.10.2006

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